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**1996/12/05**

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SUBJ: FREEDOM OF NAVIGATION PROGRAM AND CHINA (U)

6X ✓ (U) SUMMARY: U.S. security and commerce depend upon the internationally recognized freedoms of navigation and overflight of the seas. Since 1979, the U.S. has successfully conducted a Freedom of Navigation program to protect the United States' navigation, overflight, and related interests on, under, and over the seas against excessive maritime claims. Freedom of Navigation assertions have been directed against Chinese claims deemed excessive by the U.S. Government.

(U) KEY POINTS

- \* The Freedom of Navigation program has been in effect since 1979
- \* The program protects U.S. sea and air navigation rights against excessive maritime claims
- \* Freedom of Navigation assertions have been directed against excessive PRC claims

~~(C)~~ DISCUSSION

- \* The Freedom of Navigation program combines diplomatic action and operational assertions of U.S. navigation and overflight rights to encourage modifications of, and demonstrate non-acquiescence in, maritime claims that are inconsistent with the customary rules of international law pertaining to maritime navigation and overflight freedoms.
- \* The U.S. objects to the Chinese requirement for foreign warships to obtain permission to enter its 12 NM territorial sea during innocent transit passage.
- \* China recently established straight baseline demarcations of their coastline
  - \*\* The U.S. Government determined most of the baseline segments are excessive.
- \* Freedom of Navigation operations have been conducted in the vicinity of China
  - \*\* The most recent operations was conducted by USS CROMMELIN (FFG 37) on 12 Jun 96.

~~(C)~~ BOTTOM LINE: To protect our navigational rights, Freedom of Navigation operations directed at the Chinese claims may be conducted periodically.

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